UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
9311 GROH ROAD
GROSSE ILE, MI 48138

MEMORANDUM

DATE: JAN 06 2009

SUBJECT: ACTION MEMORANDUM - Request for Time Critical Removal Action and for an Exemption from the 12 month Statutory Limit at the Miller Plating Site, Evansville, Vanderburgh County, Indiana (Site ID #B5MS)

FROM: Kevin Turner, On-Scene Coordinator KT
Emergency Response Branch 1 - Removal Section 1

TO: Richard C. Karl, Director
Superfund Division

THRU: Jason H. El-Zein, Chief JHEZ
Emergency Response Branch 1

I. PURPOSE

The purpose of this memorandum is to request approval to expend up to $1,109,916 and for an exemption from the 12 month time limit for a removal action in order to abate an imminent and substantial threat to public health and the environment present at the Miller Plating Site (Site), Evansville, Vanderburgh County, Indiana (latitude 38° 00' 30.13" N and longitude 87° 35' 10.64" W). In addition this Action Memorandum services to document the emergency response phase of this site clean-up that occurred in January, 2008. This action is necessary to mitigate the immediate threat to public health and the environment posed by the presence of uncontrolled hazardous substances from metal-plating waste, which include barium, cadmium, chromium, lead, cyanides, corrosive and caustic liquids.

The response action and exemption to the 12 month time limit proposed herein will mitigate conditions at the Miller Plating Site through removal and off-site disposal of the contaminants of concern. The high levels of heavy metals, cyanides, corrosive and caustic liquids at concentrations considered hazardous, and the Site's proximity to residential and business properties, require that this action be classified as a time-critical removal. The project will require an estimated 90 working days to complete.

There are no nationally significant or precedent setting issues associated with the Miller Plating Site. The Miller Plating Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #IND 006 365 985

A. Site Description

1. Site history

Miller Electroplating, Inc., began operation in 1916 in downtown Evansville, Indiana. The corporation moved to its present location in 1965. The legal property is listed as seven acres, of which approximately three acres are under roof. In February of 2004, Don Stocks purchased the business from the Miller family and changed the name to Miller Plating & Metal Finish, Incorporated ("Miller Plating").

The former facility conducted electrodeless nickel plating using eight plating lines primarily on aluminum, as well as conducting steel, copper, chrome and brass electroplating processes. Precious metal finishing and plating had also been conducted at the facility. The Site processed a variety of parts and offered the following finishes: Electrodeless Nickel, Bright Acid Tin, Black Chrome, Sulfamate Nickel, Bright Nickel, Copper, Gold Silver, Cromvet and Anodizing. A variety of RCRA hazardous wastes typically associated with electroplating, cleaning processes, maintenance activities, and wastewater treatment were generated at the facility including cyanide plating solutions and RCRA waste codes listed as F006-F009. Electroplating hazardous wastes and other RCRA characteristic hazardous wastes were also generated. On December 31, 2007, the facility ceased its plating operation due to bankruptcy.

After the filing of bankrupcy, the Indiana Department of Environmental Management (IDEM) was concerned the electricity was going to be cut off at midnight, increasing the likelihood that chemicals in product lines would freeze and that piping conveyances might also burst causing a release/spill of chemicals at the facility and potentially causing harm to the environment. Additionally, the Pretreatment Coordinator for the Evansville Wastewater Treatment Plant reported that Evansville would be pulling the water meter and plugging the sewer. The facility has, historically, been a large quantity hazardous waste generator with ongoing regulatory environmental compliance issues. IDEM asked for U.S. EPA's assistance with an emergency stabilization within the facility. Using the On-Scene Coordinators (OSC) authority to initiate emergency response activities under the NCP section 300.415 (b) (2) OSC Kevin Turner was provided a $25,000 ceiling to perform an emergency stabilization.

Following the emergency stabilization efforts in January 2008, both IDEM and U.S. EPA worked with the PRP and various banks in attempts to remove all liquids and clean-up the facility. After an auction in August 2008, a fire started as contractors were attempting to remove vats from the east building. The fire resulted in nickel plating

solution being released to the environment. The former facility has been broken into several times and is in an unstable condition. On October 24, 2008, IDEM formally asked U.S. EPA to abate the risks associated with uncontained hazardous materials at the Site.

2. Physical location

The Site is located at 3200 N. 6th Avenue, Evansville, Vanderburgh County, Indiana, 47710. The Site occupies seven acres on the west side of Evansville and is situated in a mixed residential/commercial and industrial area. There are residences immediately next to the former facility on the south and east sides. According to the Region 5 Superfund Environmental Justice (EJ) Analysis, the group of residents within a one mile radius has a total population of 6,785. Of the 6,785 residents, 10% are classified as minority. Approximately 53% of the families residing in this block group have an income of less than the established state low income level. To meet the EJ concern criteria in Indiana, the area within 1 mile of the Site must have a population that is at least 58% low-income and/or 28% minority. Therefore, the demographic conditions do not indicate an environmental justice priority for the community around this Site.

3. Removal Site Evaluation

On January 9, 2008, U.S. EPA, OSCs Kevin Turner and Lori Muller, Superfund Technical Assessment and Response Team (START) members, and several Environmental Emergency Rapid Response Services (ERRS) contractors arrived at the Site at the request of IDEM to conduct an emergency stabilization within the plating shop. Other personnel present on the Site included several representatives from IDEM, Vanderburgh County Health Department, Evansville Wastewater Treatment Department and Miller Plating employees. The emergency stabilization was requested by IDEM since the company had just filed for bankruptcy (Chapter 7), shut down operations and were abandoning the property. The activities that occurred during the emergency stabilization included pumping down overflowing vats, transferring plating wastes from unstable conditions to more stable conditions, removing waste waters from the floor of the waster water treatment plant, and moving vats, tanks, drums and other containers into an area of the building protected from leaking roofs. Specifically, the following activities occurred during the January 2008 Emergency Response:

1) Daily Site Health and Safety Meetings were conducted;

2) Nitric Acid was pumped from two 1,250 gallon vats into totes ;

3) Liquids were pumped from three secondary containments into plastic tanks or drums;

4) Liquid acid was pumped from an overflowing vat to a safe storage container;

5) Air monitoring was conducted to support all removal actions inside the main building;

6) Twenty empty 13-gallon sodium cyanide containers were crushed and placed in a steel drum;

7) Liquids were pumped from the wastewater treatment area;

8) Areas surrounding the facility were sandbagged to prevent rain water from entering; and

9) Areas around the facility were spills have occurred were cleaned-up.

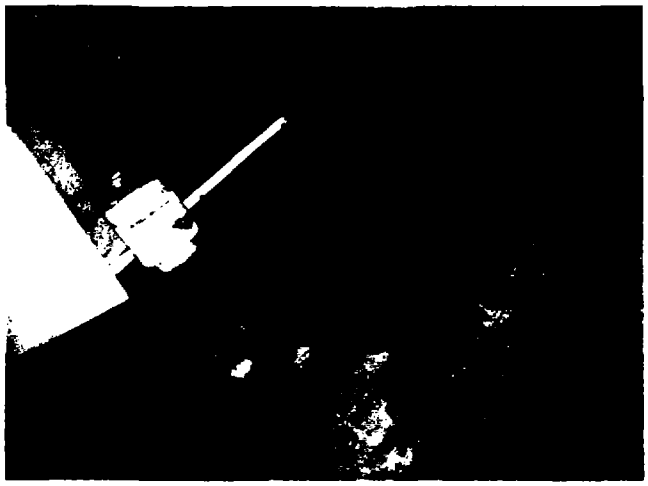
Throughout 2008, the U.S. EPA has worked with Miller Plating, an Evansville bank who holds title to the equipment in the buildings, and a bank in Jasper, Indiana, who holds the title to the property. Specifically, the Bank of Evansville hired a contractor to liquidate all saleable assets from the property. In this process, with oversight from both U.S. EPA and IDEM, the contractor processed waste waters, disposed off-site liquid and solid waste, sold virgin plating chemicals, and prepared the property for an auction of the equipment. The bankruptcy approved auction of the equipment occurred in August 2008, and netted the Bank of Evansville several hundred thousand dollars, thereby offsetting some of the company's debt. As of late October 2008, the Bank of Evansville had formally written off their loan to Miller Plating and Finishing, Inc.

During multiple visits to the Site U.S. EPA and IDEM observed large numbers of vats, totes, drums and other containers full of plating wastes and miscellaneous hazardous materials in various areas throughout the Site. Many of these containers are holding wastes that are incompatible (e.g. cyanide and acid). The Miller Plating facility consists of three large buildings. The main building houses the plating process lines, offices, and chemical and product storage areas. Many of the plating process lines are still intact. Solid waste storage areas are located throughout the buildings.

The items with descriptive labels found throughout the facility were inventoried and included silver nitrate, hydrochloric acid, sodium hydroxide, potassium permanganate, phosphoric acid with ammonium bifluoride, ammonium hydroxide, bleach, formaldehyde, ammonium bifluoride, nitrobenzene sulfonate and sulfuric acid. Adjacent to the kitchen area and the offices in the main plating building is the facility's water treatment process. The water treatment plant consists of approximately 20 200-gallon tanks set up in train to process the facility's waste waters. The entire wastewater treatment plant is not operational and full of untreated liquids and filtered solids. Additionally, a storm in the spring of 2008 tore the roof off of 1/3 of the waste water treatment building, thus creating unsafe working conditions and allowing rain water to further contribute to the liquid management problem.

Description: **Miller Plating & Metal Finishing located at 3200 N. 6th Avenue, Evansville, Vanderburgh County, IN. Photo taken on 8/8/08, by Roger Wilson, IDEM, of the Wastewater Treatment Room and demonstrating the size of WWT tanks.**

The middle of the main plating building, where the plating operations took place, contained six plating lines marked Line 2, Line 3, and Line 4. Lines 2 and 4 contained plating baths and remnant cleanings acid, water rinse and plating line residuals. Residue from past plating operations was observed on the floors and walls near the baths.



Description: **Miller Plating & Metal Finishing located at 3200 N. 6th Avenue, Evansville, Vanderburgh County, IN. Photo taken on January 7, 2008, by Roger Wilson, IDEM. Environmental release/spill of electroplating chemicals in Plating Area.**

The chemical warehouse/chemical mixing building contains drums, totes and tanks of various sizes. An inventory provided by Miller Plating revealed that many of the raw chemicals are expired and not subject to any return policy. Some examples from this building include DT Chrome, ethylenediamine, phosphoric acid, nickel carbonate, oxalic acid, zinc oxide, potassium persulfate and potassium cyanide. The contents from the five 200-gallon chemical mixing tanks could not be verified.

To evaluate whether or not the Site posed a threat to human health or the environment, OSC Turner and IDEM identified several data points provided by Miller Plating:

1. An August 2002 spill of "silver strip" – nitric acid solution with silver occurred on the east side of the property next to the bulk wastewater treatment storage building. The release was partially containerized in a roll-off box, but the clean-up was never finished. The roll-off box is still present on Site, the contaminated soils are still exposed and a study of the nature and extent of contamination has never occurred.

2. Data provided by Miller Plating showed that three samples of waste potassium cyanide had pH results of 12.5 and 13 and two samples of caustic soda revealed a pH of 13. All four samples demonstrated the characteristics of corrosivity and the results were compared to those provided in 40 CFR Section 261.22(a) (1). This section states that if the pH is less than or equal to 2.0 or greater than or equal to 12.5, the substance is considered to be hazardous by virtue of corrosivity. Four of the aforementioned samples exhibit characteristics of corrosivity as defined by 40 CFR Section 261.22 (a) (1) and are considered hazardous.

3. Data provided by Miller Plating showed that waste nitric acid is present on Site. The waste nitric acid has been measured to be 40% (by volume) and would carry the code D002 as hazardous waste for corrosivity characteristics. Nitric acid has a pH of less than 2.

4. Information and data provided by Miller Plating revealed that cyanide in the form of an inorganic solid [silver cyanide sludge (D003, D011) and copper cyanide sludge (D003)] are improperly stored on Site. 40 CFR Section 261.23 (a) (5) states that if a solid waste is a cyanide or sulfide–bearing waste that, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment, the waste exhibits the characteristics of reactivity. Much of the sludge data provided by Miller Plating showed that the sludge contained detectable levels of cyanide and therefore has the potential to generate toxic gases when exposed to pH conditions between 2 and 12.5.

Description: **Miller Plating & Metal Finishing located at 3200 N. 6th Avenue, Evansville, Vanderburgh County, IN. Photo taken by Roger Wilson of IDEM – Hazardous waste Storage Bldg. Open cyanide HW containers w/o HW labels & spill on the floor.**

5. Analytical results provided by a disposal company for Miller Plating showed that several samples of sludge were analyzed for nickel, copper and silver. Samples were not analyzed for toxicity characteristic leaching procedure (TCLP) parameters; however, a waste sample's concentration of a metal greater than 20 times the TCLP standard could indicate the waste's potential to leach that metal. Based on this assumption, a total nickel concentration greater than 100 milligrams per liter (mg/L) in a waste sample would indicate the waste's potential to leach metal. The concentration of total nickel in two waste samples provided were 8,700 mg/L and 7,000 mg/L, indicating the potential of the waste to leach nickel.

B. State and Local Authorities Role

1. State and Local actions to date

Miller Plating was notified by IDEM that it was a large quantity generator of D002, F006, F007, F008 and F009 wastes in September 1997. Since that date, IDEM has been performing inspections of this facility on a routine basis. These inspections have documented many violations throughout the years. Administrative Orders were issued by IDEM to Miller Plating in 2000 and again in 2005. In 2006, IDEM issued a *Complaint for Preliminary and Permanent Injunction, and for Civil Penalties.* In December 2007, Miller Plating filed for bankruptcy.

On January 8, 2008, IDEM requested assistance from the U.S. EPA as a result of the bankruptcy, the uncontrolled nature of the property and hazardous waste found on Site.

During 2008, the U.S. EPA and IDEM have worked with the PRP, the PRP's contractors, bankruptcy court, and the banks to facilitate a clean-up of the facility. In November and again in December 2008, IDEM requested that the U.S. EPA perform a removal action at Miller Plating.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Miller Plating Site present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. Section 300.415(b)(2)(I), (i), (iii), (v), (vi) and (vii) respectively, specifically allow removal actions for:

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

During frequent visits to the Site, it was observed that the buildings are not fully secured. There have been two reported break-in situations since the U.S. EPA has been involved. Access to the buildings increases the potential of people being exposed to hazardous substances. An unintentional or deliberate release of these substances would immediately expose the trespasser and could perhaps impact nearby human populations and the surrounding environment. In August 2008, there was a fire at the facility that resulted in a shelter-in-place order for the surrounding residents. This fire caused a release of nickel plating solution in the east building.

The chemical storage warehouse is separated from the main building and is not currently heated or insulated. There are several dozen drums, tanks and smaller containers within this building. These containers, which contain numerous hazardous materials, are haphazardly placed around the building. Hand written labels include phosphoric acid, chromic acid, nitric acid and sodium hydrosulfite. Sodium hydrosulfite is a spontaneously combustible chemical when it comes in contact with water and the others are highly corrosive.

Chromium and hexavalent chromium are known human carcinogens by inhalation exposure. Chromium labels and spills were identified throughout the facility. For example, Chromic Acid Etch and Chromklad Acid Strip were in drums next to one of the plating lines. Chrome Dragout, Chrome Predip and chrome plating solution were still in open vats and spilled on the floor in December 2008. According to the Agency for Toxic Substances and Disease Registry (ATSDR), inhalation of hexavalent chromium at high levels (greater than 2 micrograms per cubic meter [$\mu g/m^3$]) can irritate the nose and cause symptoms such as runny nose, sneezing, itching, nosebleeds, ulcers, and holes in the nasal septum.

Lead is a common plating solution additive. Lead is classified as a probable human carcinogen and is toxic by both ingestion and inhalation exposure. Nickel is a Class A human carcinogen by inhalation exposure. With evidence of frequent spills throughout the building, dust and floor sweepings observed on the Site floor could become airborne and migrate to the residential properties located around the Site. According to ATSDR, cyanide is a powerful and rapid-acting poison. Exposure to small amounts of cyanide can be deadly and exposure to high levels of cyanide for a short time can cause harm to the brain and heart and even produce coma or death.

The area surrounding the Site is both commercial/industrial and residential. Residential properties border the Site on three sides and a railroad exists on the fourth. The total population within a one-mile radius of the Site is estimated at 6,785 people with parks, a zoo and schools within the one-mile radius.

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release;

U.S. EPA has documented the presence of numerous 275-gallon totes, 55-gallon drums, open vats full of plating solutions and smaller containers at the Site. The contents of some containers are unknown and others contain combustible and flammable substances and are located throughout the Site. If any of these substances were mixed, there could be severe reactions. For example, if sodium hydrosulfite would mix with any of the mineral acids, an exothermic reaction may occur causing a potential fire and/or explosion. If a release were to occur in the areas of the building where there are no proper barriers to contain the liquids or vapors from escaping, a release into the surrounding commercial and residential areas could occur.

Hazardous wastes were observed stored in open vats and open drums in all areas of the facility. Materials in these containers could easily be released by the deterioration of the containers or accidentally or purposely spilled by a trespasser. The U.S. EPA and IDEM observed incompatible wastes being stored in close proximity without a protective barrier (e.g. cyanide and acid). When cyanide and acid come into contact with each other, ignition or fuming may occur and pose an inhalation hazard and a further threat of release from the Site.

(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

During the emergency stabilization performed in January 2008, heavy rains caused several vats to nearly overflow. The roof of the building is in poor condition and vats or other containers need to be regularly moved to avoid overflowing. Additionally, during a heavy storm event in the spring of 2008, a portion of the wastewater treatment plant roof was partially blown off. The roof has never been repaired thereby allowing rain to enter the building and create unstable conditions. Temperature extremes (heat and

cold) could also potentially affect the integrity of the drums, tanks, totes and other containers.

(vi) Threat of fire or explosion;

On August 12, 2008, a fire occurred on Site while workers were attempting to remove vats and plating solutions from the property. This fire resulted in the release of thousands of gallons of nickel plating solution to the environment.

Based on the labeling of various other containers left on Site, there are liquids (i.e. solvents) that can be easily ignited. If a source of ignition were provided to these materials, a potential conflagration could easily occur on Site. The containers of sodium hydrosulfite on Site also have the potential to ignite if brought into contact with water. Sodium hydrosulfite also has the potential to be involved in an exothermic reaction if it comes in contact with any of the acids present on Site. A reaction of this type could cause an explosion at the Site.

(vii) The availability of other appropriate federal or state response mechanisms to respond to the release;

IDEM officials gave full consideration to the appropriate disposal and management of Site contaminants. IDEM officials worked closely with the U.S. EPA during and after the emergency stabilization. After consideration was given to the overall impacts upon the resources of the state, in October 2008 (verbally) and in December 2008 (via e-mail), IDEM officials elected to refer the Site to the U.S.EPA.

IV. ENDANGERMENT DETERMINATION

Given the conditions at the Site, the nature of the hazardous substances on-site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Emergency Exemption:

Section 104(c) of CERCLA as amended by SARA, limits a Federal emergency response to 12 months or less unless three criteria are met. U.S. EPA first took emergency action at this site in January 2008. Since January, 2008 the U.S. EPA and IDEM have been working with the PRPs to mitigate the hazardous conditions present at the site. This Action Memorandum is in response to the PRP stopping clean-up activities and the hazardous still present on site. The quantities and levels of hazardous substances found at the Miller Plating site, and the amount of time which has passed

since the U.S. EPA first took action warrant the 12-month time limitation exemption based on the following factors:

1) There is an immediate risk to public health or welfare or the environment:

There is am immediate threat that has documented the presence of numerous 275-gallon totes, 55-gallon drums, open vats full of plating solutions and smaller containers at the Site. The contents of some containers are unknown and others contain combustible and flammable substances and are located throughout the Site. If any of these substances were mixed, there could be severe reactions. Materials in these containers could easily be released by the deterioration of the containers or accidentally or purposely spilled by a trespasser. It has been observed that are incompatible wastes being stored in close proximity without a protective barrier (e.g. cyanide and acid).

If a release were to occur in the areas of the building where there are no proper barriers to contain the liquids or vapors from escaping, a release into the surrounding commercial and residential areas could occur.

2) Continued response actions are immediately required to prevent, limit, or mitigate an emergency:

On August 12, 2008, a fire occurred on Site. This fire resulted in the release of thousands of gallons of nickel plating solution to the environment. There are many containers of solvents which could easily ignite. If a source of ignition were provided to these materials, a potential conflagration could easily occur on Site. Continued response actions are immediately needed in order to mitigate the threat of fire or other releases detailed in Section III above.

3) Assistance will not otherwise be provided on a timely basis:

IDEM officials worked closely with the U.S. EPA during and after the emergency stabilization. After consideration was given to the overall impacts upon the resources of the state, in October 2008 (verbally) and in December 2008 (via e-mail), IDEM officials elected to refer the Site to the U.S.EPA so that a timely response action might occur.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes at the Site:

Develop and implement a Site Health and Safety Plan, including an air monitoring plan and Site contingency plan;

Develop and implement a Site security plan;

Sample and analyze the contents of drums, smaller containers, vats, floor

sweepings, unknown materials, facility contents, debris, and tanks. Based on the analytical results, the containers will be categorized and staged for disposal. Compatible waste streams will be bulked/re-containerized, and appropriately prepared for disposal at off-site disposal facilities;

Empty tanks, piping, debris, drums and other containers will be cleaned as necessary, cut to size and disposed of at off-site disposal facilities;

Clean floors, walls, ceilings, building components and building contents and/or dispose of items as reasonably possible to remove contamination from spills and contaminated dust or other materials to prevent contaminant migration or cross contamination of cleaned areas;

Characterize and remove for off-site disposal the soil from a spill which occurred outside the bulk wastewater treatment storage building on the east side of the property; and

Characterize, remove and properly dispose of hazardous substance and wastes located at the Site in accordance with U.S. EPA's Off-Site Rule (40 CFR 300.440).

The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The nature of this removal action, as well as the complete removal of all hazardous wastes from the Site, will eliminate the need for any post-removal Site control.

The estimated costs to complete the above activities are summarized below. These activities will require an estimated 90 working days to complete.

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:	$1,011,591
Total Clean-up Contractor Costs (includes 15% contingency)	
Other Extramural Costs Not Funded from the Regional Allowance:	
Total START, including multiplier costs (includes 15% contingency)	$ 98,325
Subtotal, Extramural Costs	$1,109,916
TOTAL, REMOVAL ACTION PROJECT CEILING	$1,109,916

The response actions described in this memorandum directly address the actual or threatened release at the Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a

burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practical. An e-mail was sent to Rodger Wilson of the IDEM on December 4, 2008, requesting that the State of Indiana identify State ARARs. Any State or Federal ARARs identified in a timely manner for this removal action will be complied with to the extent practical. This removal action will characterize, remove and properly dispose of hazardous substance and wastes (contaminated soils) located at the site in accordance with U.S. EPA's Off-Site Rule (40 CFR 300.440);

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no action or delayed action ensues.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in an Enforcement Confidential Addendum. The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $1,861,924.[1]

($1,109,916 + $33,000) + (62.91% x $1,142,916) = $1,861,924
(Total Removal Project Costs + U.S. EPA Personnel Costs) + (Indirect Rate x Total of First Parenthetic) =

[1] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States= right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Miller Plating Site, Evansville, Vanderburgh County, Indiana, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site (see Attachment B). Conditions at the Site meet the criteria of the NCP, 40 C.F.R. 300.415 (b)(2) for a removal action, and I recommend your approval of the proposed removal action and 12 month time limit exemption. The total estimated project ceiling, if approved, would be $1,109,916. Of this, an estimated $1,011,591 may be used for cleanup contractor costs. You may indicate your decision by signing below:

APPROVE: _____ DATE: 1-6-09
Superfund Division Director

DISAPPROVE: _____ DATE: _____
Superfund Division Director

Enforcement Confidential Addendum

Attachments:

A. Detailed Cleanup Contractor Estimate
B. Administrative Record Index
C. Environmental Justice Analysis
D. Independent Government Cost Estimate

cc: David Chung, U.S. EPA HQ, 5202-G
Michael Chezik, U.S. Department of Interior, **w/o Enf. Addendum**
H. Adkins, IDEM, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

MILLER PLATING SITE
EVANSVILLE, VANDERBURGH COUNTY, INDIANA

JANUARY 2009

(REDACTED 2 PAGES)

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

Attachment A

DETAILED CLEANUP CONTRACTOR ESTIMATE
MILLER PLATING SITE
EVANSVILLE, VANDERBURGH COUNTY, INDIANA
JANUARY 2009

The estimated cleanup contractor (ERRS only) costs necessary to complete the removal action at the Miller Plating Site are as follows:

Personnel and Equipment	$522,700
Materials and Misc	$161,950
Transportation and Disposal	$194,994
TOTAL	$879,644

These figures do not include the 15% contingency.

Attachment B

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
MILLER PLATING SITE
EVANSVILLE, VANDERBURGH COUNTY, INDIANA

ORIGINAL
DECEMBER 16, 2008

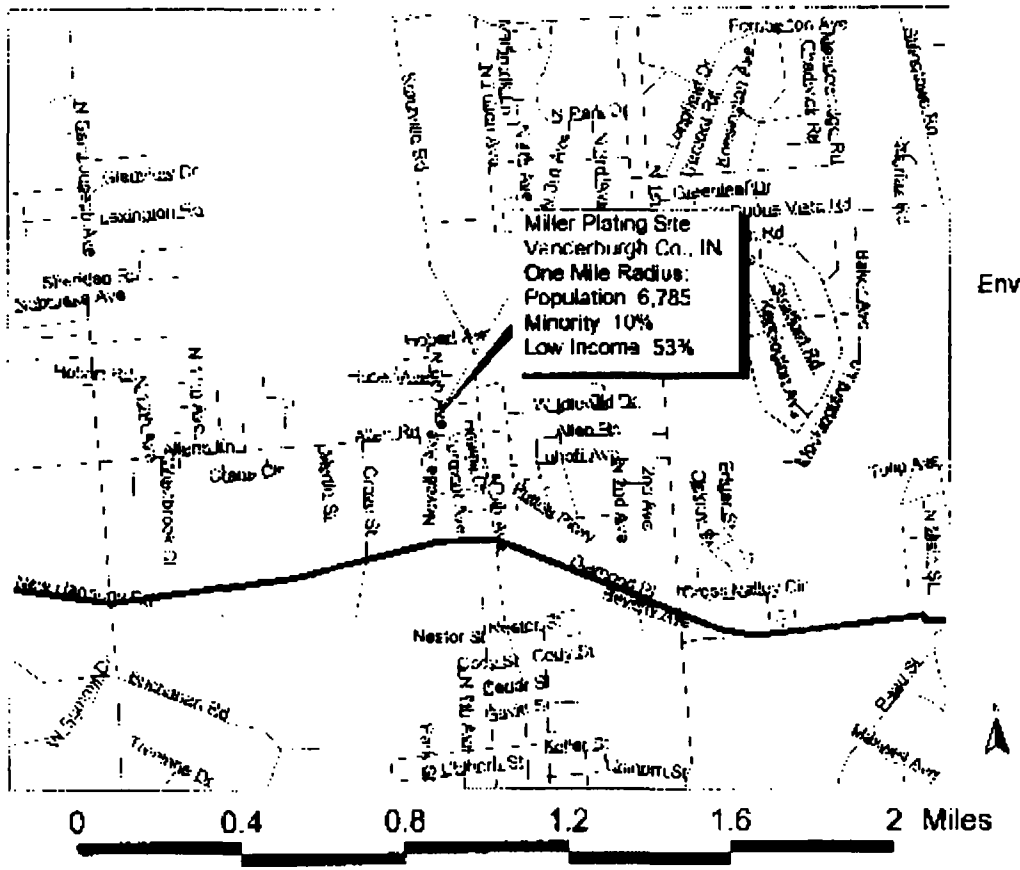
NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	12/31/02	Lowry, S., IDEM	Smith, M., Miller Plating & Metal Finishing	Letter: Transmittal of the November 14 & 18, 2002 Industrial Hazardous Waste Inspection Report for the Miller Plating & Metal Finishing Site	21
2	02/04/05	Commissioner, IDEM	Respondent	Verified Petition for Civil Enforcement, Complaint for Preliminary and Permanent Injunction, and for Civil Penalties	20
3	01/08/08	Atkinson, H., IDEM	Gebien, C., U.S. EPA	E-mail Message re: IDEM's Request for a Removal Assessment at the Miller Plating Site	1
4	08/18/08	Wilson, R., IDEM	Miller Plating Inspection File	Memorandum re: Trip Report for August 8, 2008 OTH Inspection of Miller Plating and Metal Finishing LLC	10
5	10/23/08	Precision Chemical	File	Chemical Warehouse Inventory (Raw Chemicals) at the Miller Plating Site	3
6	12/05/08	Turner, K., U.S. EPA	Stinchfield, C., IDEM	E-mail Message re: Request for a Removal Assessment at the Miller Plating Site	1
7	12/08/08	Precision Chemical	File	Estimated Beginning Volumes in the Miller Plating Process Tanks	1
8	12/15/08	Precision Chemical	File	Disposal Record for the Miller Plating Site	8
9	00/00/00	Turner, K., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the Miller Plating Site **(PENDING)**	

ATTACHMENT C

REGION 5 ENVIRONMENTAL JUSTICE ANALYSIS

Region 5 Superfund EJ Analysis

Miller Plating Site Evansville, IN



State of Indiana averages:
Minority: 14%
Low Income: 29%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Indiana

Minority: 28% or greater

Low Income: 58% or greater

ATTACHMENT D

INDEPENDENT GOVERNMENT COST ESTIMATE

MILLER PLATING SITE
EVANSVILLE, VANDERBURGH COUNTY, INDIANA

JANUARY 2009

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 8 PAGES)